

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUYALLUP TRIBE OF INDIANS,

Plaintiff,

v.

ELECTRON HYDRO, LLC, *et al.*,

Defendants.

CASE NO. C20-1864-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

Presently before the Court is Plaintiff's motion for partial summary judgment (Dkt. No. 47). Oral argument is scheduled for 9:00 a.m. on February 6, 2024 in Courtroom 16206. (*See* Dkt. No. 65.) In anticipation of this argument, the Court seeks supplemental briefing on available remedies, should the Court grant Plaintiff's motion (and find that the current temporary rock and steel sheetpile structure represents an unpermitted take of threatened and/or endangered species). The briefing should address what work is required during the upcoming in-water work season (in addition to removal of the rock and steel sheetpile dam/spillway) to avoid a continued take of those species, and, alternatively, what options *short of removal of the structure* would negate its potentially impermissible impact.

- Defendants' brief, not to exceed 12, pages is due January 29, 2024.

- Plaintiff's response, not to exceed 12 pages, is due February 2, 2024.
- Defendants' reply, not to exceed 6 pages, is due February 5, 2024.

DATED this 24th day of January 2024.

Ravi Subramanian
Clerk of Court

s/Kathleen Albert
Deputy Clerk